

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – Sri W.B.Chandrasekhar, Joint Director of Mines & Geology (under suspension), O/o Director of Mines & Geology, Ibrahimpattam – Departmental action Under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules 1991 – Article of Charges framed against Sri W.B.Chandrasekhar, Joint Director of Mines & Geology (under suspension), O/o Director of Mines & Geology, Ibrahimpattam – Orders – Issued.

Industries & Commerce (Vigilance) Department

G.O.RT.No. 29

Dated: 10-02-2021

Read the following:

- 1) G.O.Rt. No. 167, Ind. & Com (Vigilance) Dept., dt: 20.08.2020.
- 2) DM&G Pro.No. 17622/E1/1987, Date:18.02.2020.
- 3) From the Director of Mines & Geology Letter No.13880/E1/ 1988
dt:24.11.2020.

ORDER:-

It is proposed to hold an enquiry against Sri W.B.Chandrasekhar, Joint Director of Mines & Geology (under suspension), O/o Director of Mines & Geology, Ibrahimpattam in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I) and the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed.

3. Sri W.B.Chandrasekhar, Joint Director of Mines & Geology (under suspension), O/o Director of Mines & Geology, Ibrahimpattam is directed to submit his written statement of defense within ten days of the receipt of this order and also state whether he desires to be heard in person.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri W.B.Chandrasekhar, Joint Director of Mines & Geology (under suspension), O/o Director of Mines & Geology, Ibrahimpattam is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control, and Appeal) Rules, 1991 or orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri W.B.Chandrasekhar, Joint Director of Mines & Geology (under suspension), O/o Director of Mines & Geology, Ibrahimpattam is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri W.B.Chandrasekhar, Joint Director of Mines & Geology (under suspension), O/o Director of Mines & Geology, Ibrahimpatnam. (w.e, Annexures-I to IV) through the Director of Mines and Geology Department, Vijayawada (with a request to serve the order on the individual and send the served copy with dated signature to Government)

The Director of Mines & Geology, B Block (Vth and VIth Floors), Anjaneya Towers, Ibrahimpatnam, Vijayawada, Krishna District.

Copy to

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

Sf/Sc

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI W.B.CHANDRASEKHAR, JDM&G, O/o DM&G, IBRAHIMPATNAM

Charge-I

Sri W.B.Chandrasekhar, JDM&G has facilitated the lessee (M/s MSP Granites) to approach the Hon'ble Court instead of arriving at logical conclusion after the show cause notice is issued in time bound manner for wrongful gain / Financial favours from the lessee with male-fide intention and with ulterior motives.

Charge-II

Due to lack of supervision of Sri W.B.Chandrasekhar, JDM&G the Department is unable to issue demand notice for an amount of Rs.215.06 Crores to the lessee even though it is a clear case for imposing penalty, the charged official facilitated the lease holder for conducting of re-survey of the subject quarry lease.

Thus, Sri W.B.Chandrasekhar, JDM&G by his above mentioned acts failed to take all possible steps to ensure the integrity and devotion to duty and thereby contravened Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SRI W.B.CHANDRASEKHAR, JDM&G, O/o DM&G, IBRAHIMPATNAM.

The Director of Mines and Geology, Hyderabad vide Proc No.2383/R1-1/2014, dated:27.05.2015 has granted 1st Renewal of Quarry lease for Colour Granite over an extent of 4.517 hectares in Sy. No.4.517 Ha in Sy. No.71 of Lingalavalasa Village, Tekkali Mandal, Srikakulam District to M/s. M.S.P Granites, Prop: Sri M.S. Palanivel for a further period of 20 years we.f., 14.02.2014. The renewal quarry lease deed was executed by the ADM&G, Tekkali, Srikakulam District on 12.06.2015 for the period upto 13.02.2034.

Subsequently, the quarry lease held by M/s. MSP Granites was jointly inspected by the RV&EO and Mines and Geology Department officials and reported that there are 15 working pits and about 4,18,619 CBM (Four lakhs eighteen thousands six hundred and nineteen cubic meters) of rock mass was excavated. Therefore, about 83,723 CBM (Eighty three thousands seven hundred and twenty three cubic meters) of Colour Granite produced and they reported about 55,920 CBM (Fifty five thousands nine hundred and twenty cubic meters) of Colour Granite was dispatched without valid dispatch permit issued by the Mines & Geology Department.

Accordingly, Show Cause Notice was issued to M/s. M.S.P. Granites by the ADM&G, Tekkali, Srikakulam District vide S.C.N. No.2417/Q/2007, dated: 09.03.2020 for the excess excavation and the transportation of 55,920.08 CBM (Fifty five thousands nine hundred and twenty cubic meters) of Colour Granite without obtaining dispatch permit from the Department.

Sri M.S. Palanivel, Prop: M/s. M.S.P. Granites requested the Director of Mines and Geology, Ibrahimpatnam to hold the action on the Show Cause Notice No.2417/Q/2017, dt:09.03.2020 to conduct re-survey of quarry lease area in a scientific and technical manner by deputing team of officers including surveyor who conducted inspection.

The DM&G vide Memo No:3430252/D1-2/201, dt:22.06.2020 informed the ADM&G, Tekkali that, it is not felt, essential to consider the request of M/s. MSP Granites for re-survey in the subject area since the survey and inspection was jointly conducted by the team of Regional Vigilance and Enforcement, Srikakulam and Mines & Geology officials and directed to take further course of action in the matter.

Aggrieved by the directions of the DM&G, the lessee M/s. M.S.P. Granites filed W.P. No.11549 of 2020 before the Hon'ble High Court of A.P. The Hon'ble High Court of A.P., have passed Interim Orders in WP No.11549 of 2020, dated: 15.07.2020 directing the DM&G to re-survey of the lease area held by M/s. M.S.P. Granites, Sy. No.7 of Lingalavalsa Vg. Tekkali Mandal, Srikakulam District.

Accordingly, DM&G has constituted a committee consists of Sri P. Ananda Rao, AD(S), Sri M. Venkatesh, AMO and Sri K. Sreedhar, Surveyor with a direction to the Committee to conduct re-survey in presence of the petitioner, verify the pits accorded during the survey conducted in month of February-2020 are within the leased area or not; verify the pit measurements accuracy and after demarcation of boundaries, recalculate the extent of the Granite mine/quarried in the leased area.

The team of officials have submitted their report duly stating that the total excavated quantity was arrived as 1,45,779.937 CBM since inspection in contrary to the V&E Department survey and inspection arrived as 4,18,619 CBM and also arrived as 3,27,360 CBM arrived at the time of survey for grant of renewal of quarry lease which was accepted by the lessee.

The concerned Joint Director of Mines and Geology, O/o. DM&G, Ibrahimpatnam i.e., Sri W.B. Chandra Sekhar, has facilitated the lessee to approach the Hon'ble Court, instead of arriving at the logical conclusion after the show cause notice, in a time bound manner to have wrongful gains/favour from the lessee with male-fide intention to get favour from the lessee with an ulterior motive.

Due to lack of the supervision of Sri W.B. Chandra Sekhar, Joint Director, O/o. DM&G, Ibrahimpatnam even though it is a clear case for imposing penalty of Rs.215.06 Crores, intentionally delayed in issuing the Demand Notice, which lead to conduct of Re-Survey of the subject quarry lease area and which enabled the lessee for financial favour from the lessee for an ulterior motive.

Thus, the delinquent officer by his above mentioned acts/conduct has exhibited lack of integrity and devotion to duty and thereby, violated Rule (3) of APCS (Conduct) Rules, 1964.

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ANNEXURE-III

List of Documents in support of Article of Charges:-

1.	Show cause notice No.2417/Q/2007, Date: 09.03.2020.
2	Representation dated: 16.03.2020 of M/s MSP Granites.
3	Govt., Memo No. INC01-MG/45/2019-VIG , Dt: 19.03.2020.
4	ADM&G, Tekkali Letter No. 1805/Q/2012, Dt:26.03.2020 received on 15.04.2020.
5	DM&G Memo No. 3430252/D1-2/2019, Dt: 22.06.2020
6	ADM&G, Tekkali Letter No. 1805/Q/2012, Dt:25.06.2020 received on 30.06.2020.
7	DM&G Memo No. 3430252/D1-2/2019, Dt: 08.07.2020

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ANNEXURE-IV

List of Witnesses in support of Article of Charges:

1.	Dr.Rajesh Kumar, Asst.Director of Mines & Geology, Srikakulam
2.	Sri Ch.Suryachandra Rao, Deputy Director of Mines & Geology, Srikakulam
3.	Sri G.Bairagi Naidu, ADM&G, Visakhapatnam presently working at Head office on deputation.
4.	Sri K.Chandra Sekhar, Superintendent ,O/o DM&G, Ibrahimpatnam

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